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In re Application of
KIM et al.

Application No.: 10/540,919

PCT No.: PCT/KR03/02744

Int. Filing Date: 13 December 2003

Priority Date: 30 December 2002

Attorney Docket No.: Q88281

For: ELECTRIC ENERGY STORAGE DEVICE AND

METHOD OF CHARGING AND DISCHARGING THE SAME:

NOTIFICATION

This is a decision on applicants' submission filed on 24 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 December 2003, applicants filed international application PCT/KR03/02744, which designated the United States and claimed a priority date of 30 December 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 15 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2005.

On 29 June 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, an English translation of the International Application, and an assertion of small entity status.

On 12 January 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 13 March 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors signed by six of the seven joint inventors and a declaration of facts by Lee Si Hyung.

On 29 June 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a).

On 30 March 2007, applicants filed a submission which included, *inter alia*, a copy of an itemized postcard receipt date-stamped by the USPTO and a copy of a declaration of inventors signed by joint inventor Hee-Young Lee. The request that the copy of the declaration of inventors filed 30 March 2007 be accepted as having been filed on 27 October 2006 was treated as a petition under 37 CFR 1.181.

On 12 April 2007, a decision was mailed granting applicants' petition under 37 CFR 1.181 and dismissing applicants' petition under 37 CFR 1.47(a) as moot since a 37 CFR 1.497 declaration has been executed by all the joint inventors. The decision also indicated that the declaration of inventors filed 27 October 2006 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names in the first-named inventor between the published international application (Seong-Min Kim) and the declaration of the inventor (Seong-Min Kim). (The decision inadvertently indicated the published international application as indicating the inventor as Seong-Min Kim and the declaration as Seong-Min Kim.)

On 24 April 2007, applicants filed the instant submission.

DISCUSSION

The submission filed 24 April 2007 concerns the name of the inventor Kim identified above. The submission explains that the spelling of the inventor's name in the declaration is an accurate translation. This explanation of the difference in spelling between the international application and the declaration of inventors is accepted and noted for the record.

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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